

Hon. Ronald B. Leighton

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT A. SHOBERG,

Plaintiff,

vs.

GRAYS HARBOR COUNTY, et al,

Defendants.

No. 3:18-cv-06009-RBL

ANSWER TO COMPLAINT

In answer to plaintiff's Complaint, defendants admit, deny and allege as follows:

In answer to the introduction, defendants admit that Robert A. Shoberg is the plaintiff in this action, represented by attorney Scott A. Campbell, and deny the remaining allegations in said paragraph.

I. JURISDICTION

1.1 In answer to paragraph 1.1, defendants deny the same.

II. VENUE

2.1 In answer to paragraph 2.1, defendants deny same.

III. PARTIES

3.1 In answer to paragraph 3.1, defendants admit the same.

3.2 In answer to paragraph 3.2, defendants admit Grays Harbor County is a political subdivision of the state of Washington, and deny the remaining allegations in said paragraph.

3.3 In answer to paragraph 3.3, defendants admit the same, but deny the Grays Harbor County Board of Commissioners possesses the legal capacity to be sued.

3.4 In answer to paragraph 3.4, defendants deny the same, and deny that the Grays Harbor Drug Task Force possesses the legal capacity to be sued.

3.5. In answer to paragraph 3.5, defendants admit the same.

IV. FACTS

4.1 In answer to paragraph 4.1, defendants admit the same.

4.2 In answer to paragraph 4.2, defendants admit the same, with the exception that the date of receipt of Notice by plaintiff was November 1, 2018.

4.3 In answer to paragraph 4.3, defendants admit the same, and allege that no compensation is due.

4.4 In answer to paragraph 4.4, defendants deny the same, and deny that the paragraph contains a complete statement of the grounds authorizing seizure and forfeiture of property under RCW 10.105.010 or other applicable statutes.

V. DEPRIVATION OF RIGHTS (42 U.S.C. § 1983) TAKINGS CLAUSE

5.1 In answer to Paragraph 5.1, defendants re-allege the answers to paragraphs 1.1 through 4.4 above and incorporate them herein by this reference as if fully set forth.

5.2 In answer to paragraph 5.2, defendants deny the same.

5.6 (sic) In answer to paragraph 5.6 (sic), defendants deny the same.

5.7 (sic) In answer to paragraph 5.7 (sic), defendants deny the same.

VI. RELIEF REQUESTED

6.1-6 In answer to paragraphs 6.1-6, defendants deny that plaintiff is entitled to any of the relief sought therein.

By way of FURTHER ANSWER and AFFIRMATIVE DEFENSES, defendants
allege:

1 1. That plaintiff failed to comply with RCW 4.96.020, to the extent damages
2 are sought under state law.

3 2. That plaintiff failed to comply with the service of process requirements of
4 RCW 10.105.010(5) or RCW 69.50.505(5) for removal of the forfeiture claims, and
5 failed to remove them to the court granted jurisdiction by those statutes.

6 3. That plaintiff has failed to state a claim upon which relief can be granted.

7 4. That plaintiff lacks standing to bring the claims stated.

8 5. That the Grays Harbor County Board of Commissioners and Grays Harbor
9 Drug Task Force lack the legal capacity to be sued.

10 6. That the injuries and damages, if any, claimed by plaintiff were
11 proximately caused or contributed to by plaintiff's own fault and/or intentional
12 misconduct, and/or the fault and/or intentional misconduct of third parties.

13 Defendants expressly reserve the right to amend this Answer including by adding
14 affirmative defenses which are warranted by investigation and discovery, and to make
15 such amendments either before or during trial, including asserting other defense
16 theories or conforming the pleadings to the proof offered at trial.

17 WHEREFORE, defendants pray that plaintiff's Complaint be dismissed with
18 prejudice, and that plaintiff take nothing by his Complaint, and that defendants be
19 allowed their costs and reasonable attorneys' fees herein.

20 DATED this 14th day of December, 2018.

21 LAW, LYMAN, DANIEL,
22 KAMERRER & BOGDANOVICH, P.S.

23 /s/ Guy Bogdanovich
24 Guy Bogdanovich, WSBA No 14777
25 Attorney for Defendants
26 PO Box 11880
 Olympia WA 98508-1880
 (360) 754-3480 Fax: (360) 357-3511
 Email: gbogdanovich@lldkb.com

1 **CERTIFICATE OF SERVICE**

2 I certify under penalty of perjury under the laws of the United States of America
3 and the State of Washington that on the date specified below, I electronically filed the
4 foregoing with the Clerk of the Court using the CM/ECF system, which will result in
5 service upon plaintiff as follows:

6 Scott A. Campbell: [scott @graysharborattorney.com](mailto:scott@graysharborattorney.com)
7

8 Dated this 14th day of December, 2018 at Tumwater, Washington.

9 *s/ Marry Marze*

10 _____
11 Marry Marze
12 Legal Assistant to Guy Bogdanovich
13
14
15
16
17
18
19
20
21
22
23
24
25
26